



Department of
Environmental Management

601 TEXAS STREET
FAIRFIELD, CALIFORNIA • 94533

September 21, 1995

Margit Aramaburu, Executive Director
Delta Protection Commission
14215 River Road
P.O. Box 530
Walnut Grove, Ca 95690

Subject: Delta Protection Commission Consideration of Solano County's Proposed
General Plan Amendments Regarding Lands in the Primary Zone of the
Delta

Dear Margit:

This letter is in response to your September 15, 1995 letter requesting clarification on two issues concerning our proposed General Plan amendments.

The first issue concerns the implementation and enforcement of our proposed new Policy 1, which states that all public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies and provisions of the Commission's adopted plan. Policy 1 would be implemented in the same fashion as are all of our General Plan policies. First, zoning must be consistent with the General Plan and its policies. Each zoning district provides for certain allowed uses, all of which are consistent with the Delta policies. Other permitted uses are allowed in each zoning district which require a conditional use permit. A required finding for a conditional use permit under the zoning code is consistency with the General Plan, including Policy 1. The Planning Division of our department also reviews all building permits for zoning and general plan consistency.

The second issue centers on the Utilities and Infrastructure Policy P-3. There are two misstatements in your September 15th letter with regards to the issue raised. First, the letter misstates Policy P-3. Your letter states that Policy P-3 precludes "**placement** of sewage effluent and sewage sludge" (emphasis added). Policy P-3 actually states "New sewage treatment facilities (including storage ponds) and areas for **disposal** of sewage effluent and sewage sludge shall not be located within the Delta Primary Zone"

Sec. 28-21. EXCLUSIVE AGRICULTURAL (A) DISTRICTS.

- (a) The Board of Supervisors finds that agriculture is a major industry of the County, and that for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the County as a whole, there is hereby created a zone classification within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore, the provisions of this Section shall be liberally interpreted insofar as they apply to agricultural pursuits and services to the end that no other use shall be permitted, and no regulations shall be deemed or constructed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of this Section to deter developers from considering lands in an A-20, A-40, A-80 or A-160 exclusive agricultural zone as potential urban or suburban property, to provide maximum protection to existing and future agricultural enterprises from restrictions instituted at the request of present or future residents, and to encourage in every way the highest and best agricultural use of the lands so classified, including the necessary residences for farm labor and other similar uses necessary and incidental thereto.

It is expressly understood that areas A-20, A-40, A-80 or A-160, exclusively agricultural in accordance herewith, shall be used exclusively for agriculture. It is further understood that there is no reasonable probability of the removal or modification of this zoning restriction within the near future.

Use permits may be issued authorizing use of part of the land in such zones for recreational, educational, religious or necessary public service purposes as provided herein, where and to the extent that such are necessary to serve such zones or the community where alternate sites are not available; and provided, such issuance and use shall not in any sense invalidate such exclusive zoning classification or designation.

The purpose and intent of the A district is to preserve lands best suited for permanent agricultural use from the encroachment of incompatible uses. Changes of zones from A-20, A-40, A-80 or A-160 to another classification are to be made only where such uses are in accord with the general plan, and where it has been clearly demonstrated that such agricultural land is needed for urban expansion and there is no other land available; and that utilities, road access and public facilities are readily available so that orderly development may occur.

- (b) Uses allowed:

- (1) Agriculture, except that those uses indicated in subsection (c) of this Section may be established only after a use permit shall have first been secured.

(11) Roadside stand for the sale of agricultural products grown or produced on the premises when located within eighty feet of the centerline of the street.

(12) Rural resident enterprises.

(13) Agriculture service uses, provided such uses are limited to:

a. Bulk storage and/or sale of products such as fertilizers, chemicals for weed and insect control, petroleum products, seeds, animal feeds, fencing material, pipe, and stakes, the primary purpose of which clearly serves commercial agriculture.

b. Corporation yard for storage and maintenance of equipment and/or supplies used in the conduct of services peculiar to agriculture, such as trucking of farm crops and products, including milk, grain, tomatoes, sugar beets and the like, or conduct of a custom farm service, including spraying, land leveling, harvesting, and irrigation operations.

c. Farm machinery repair, including all those services normally conducted in a machine, general repair or welding shop, the primary purpose of which clearly serves commercial agriculture.

d. Animal hospitals and/or veterinarian services.

(14) Additional one-family dwellings or manufactured dwellings for persons employed on the premises when such residential use is clearly accessory or incidental to the agricultural use of the property.

(15) Fertilizer plant and yards, including composting.

(d) Minimum parcel area required:

<u>ZONE</u>	<u>MINIMUM PARCEL AREA</u>
A-20	20 acres
A-40	40 acres
A-80	80 acres
A-160	160 acres

(e) Minimum front yard required: Thirty feet, except that buildings shall not be less than fifty feet from the centerline of the street, and unless otherwise indicated by building lines on the zoning map.

(f) Minimum side yard required: Twenty feet.

(g) Minimum rear yard required: Twenty-five feet.

DRAFT

9/28/75 meeting
Imhoff
presentation

SHELTER-IN-PLACE GUIDELINES FOR BOAT OWNERS AND MARINAS

Key Points:

- If you hear a siren, it is always best to go into a building to shelter.
- If you are unable to get into a building, an automobile can be used for shelter. Be sure to close windows and vents, and turn off air conditioning and heating. Turn on radio for emergency information. Remember when you turn your radio on, your ventilation system may also come on.
- A boat may be difficult to seal to be used for shelter-in-place.
- It may be that you will be asked to shelter for several hours; therefore, a building is the best shelter.

SHELTER-IN-PLACE

IN A BUILDING-IN YOUR CAR-ON YOUR BOAT

Seek shelter indoors. Away from outside air.

In a building: seal doors and windows; turn off heating, air-conditioning, and ventilating systems; cover air vents with plastic or aluminum foil; put out fireplace fires and close dampers. Openings around doors, windows, or vents may be sealed with tape, a wet cloth, or any available material. Turn on local radio or TV for additional information.

In your car: close doors and windows, turn off heating and air conditioning, close vents. Turn on the local radio for information. Don't drive away from area unless directed to do so.

In a boat: seek shelter inside, seal off all openings. Turn on Marine Band VHF Channel 16 and/or local am/fm radio stations for updates about the emergency and directions to safe harbors. If you are in an open boat, cover your mouth and nose with a wet cloth and proceed to move away from the problem.

STAY OFF THE TELEPHONE AND DO NOT CALL 9-1-1 UNLESS YOU HAVE A LIFE THREATENING EMERGENCY.

**CITY OF STOCKTON****OFFICE OF THE CITY MANAGER**

CITY HALL
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September 26, 1995

Margit Aramburu, Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

CITY OF STOCKTON LANDS IN THE PRIMARY ZONE OF THE DELTA

We are in receipt of your letter of September 15, 1995, requesting our attendance at the Commission meeting of September 28 to provide information concerning use of the City's lands within the primary zone. While we understand the Commission's interest in potential future uses of the City's oxidation pond area, all land within the City limits is excluded from the Delta Primary Zone, and is therefore outside the Commission's jurisdiction.

The Delta Protection Act of 1992 states, in Public Resources Code Section 29728, that "'Primary Zone' means the delta land ... within the boundaries of the delta, as described in Section 12220 of the Water Code, but which is not within either the urban limit line or sphere of influence of any local government's general plan ..." Inclusion of City of Stockton lands within the primary zone on the map of delta protection zones was in error, and is invalidated by the Act itself. Furthermore, as you indicate in your September 15 staff report, the City considers the existing General Plan designations appropriate and no amendments would be proposed.

Therefore, since the City is not in the primary zone of the delta, we are respectfully declining to submit the information you have requested, and will not have a representative present at the September 28 Commission meeting. If you have any additional concerns, please contact John Carlson at (209) 937-8444.

DWANE MILNES
CITY MANAGER

DM:JDC/jc

cc: John Carlson, Community Development Director
Morris Allen, Director of Municipal Utilities
R. Thomas Harris, City Attorney